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Signature: Rita A. Leyva

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Ivett Alejandra Leyva et al.

: Group Art Unit: 3641

Application No. 10/065,815

: Examiner: G.S. Sukman

Filed: November 22, 2002

: Response to Paper No. 20040907

For: AIRCRAFT AND DETONATIVE
ENGINE INCORPORATING
PULSE DETONATIVE ENGINES

PROVISIONAL ELECTION WITH TRAVERSE

Assistant Commissioner for Patents
Washington, DC 20231

S I R:

Applicants appreciate the consideration shown by the Office, as evidenced by the Office Communication mailed on September 14, 2004. In that Office Communication, the Examiner requires an election between I (Claims 1-29) and II (Claims 30-31) on the grounds that Claims 1-29 are drawn to an aircraft and Claims 30-31 are drawn to a detonative engine. **Applicants provisionally elect I (Claims 1-29) with traverse, for prosecution on the merits.**

Applicants respectfully submit that all of claims 1-31 are drawn to an aircraft. In particular, Claims 30 and 31 have been amended and presently are drawn to an aircraft. Accordingly, Applicants respectfully request that the restriction requirement between Claims 1-29 and 30-31 be withdrawn, so that prosecution on the merits can continue for Claims 1-31.

In addition, the Examiner further instructed Applicants to elect one of species a (FIG. 1) and species b (FIG. 2).

a) Species a (FIG. 1) corresponds to Claims 1, 2, 3, 4, 6-10, 13, 14, 15, 16-20, and 26-29, (30-31).

b) Species b (FIG. 2) corresponds to Claims 1, 3, 5, 6-10, 11-12, 14, 16-20, and 21-25, (30-31).

Claims 1, 3, 6-10, 14, 16-20 and 30-31 pertain to both FIGS. 1 and 2. **Applicants provisionally elect species b (Claims 1, 3, 5, 6-10, 11-12, 14, 16-20, and 21-25) with traverse, for prosecution on the merits.** Applicants respectfully submit that, despite the Examiner's contention that the inventions claimed are distinct, the search and examination of Claims 1-29 can be made without serious burden because of the closely related nature of species a and b. Accordingly, Applicants respectfully request that the Examiner reconsider the necessity for a restriction requirement between species a and b in this case.

In addition, the Examiner further instructed Applicants to elect one of species i (FIG. 3), ii (FIG. 6) and iii (FIG. 12).

i) Species i (FIG. 3) corresponds to Claims 1-4, 6-10, 13-20, 26-29

ii) Species ii (FIG. 6) corresponds to Claims 3, 14, 15

iii) Species iii (FIG. 12) corresponds to Claims 5, 11, 12, 21-25

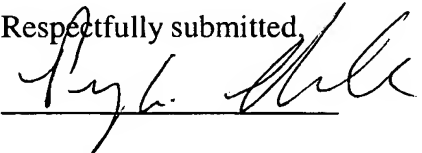
Applicants wish to note that the distinction between species i and ii with respect to Claims 1-4, 6-10, 13-20 and 26-29 is artificial, in that none of these claims require the hinge of FIG. 3 or the flap of FIG. 12, and the assignment of these claims to FIG. 3 above is thus arbitrary. In other words, although not required, the PDEs in Claims 1-4, 6-10, 13-20, 26-29 can also read on FIG. 12.

Applicants hereby provisionally elect Species i (Claims 1-4, 6-10, 13-20, 26-29) with traverse, for prosecution on the merits. As above, Applicants respectfully submit that, despite the Examiner's contention that the inventions claimed are distinct, the search and examination of Claims 1-29 can be made without serious burden because of the closely related nature of species i, ii and iii. Accordingly, Applicants respectfully request that the Examiner reconsider the necessity for a restriction requirement between species i, ii and iii in this case.

Thus, the claims provisionally chosen with traverse for prosecution on the merits are Claims 1, 3, 6-10, 14 and 16-20.

If any issues remain unresolved, the Examiner is kindly requested to contact Applicants' undersigned representative at the telephone number below.

Respectfully submitted,



Penny A. Clarke
Reg. No. 46, 627

General Electric Company
Building K1, Room 3A72
Schenectady, New York 12301
Oct. 6, 2007
Telephone: (518) 387-5349